

REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Claims 1 to 28 are pending in the application. Claims 1 to 28 are rejected. Claims 1, 9, 21, 22, 25 and 26 are amended herein.

The Examiner objected to the specification due to various informalities. Applicants have amended the specification with the Examiners comments in mind and thank him for his detailed review.

The Examiner objected to the specification as to failing to provide proper antecedent basis for the claimed subject matter. Applicants have amended the specification herein to include the description as provided in original Claims 26, 27 and 28. Since the matter of the amended specification was included in the originally submitted Claims 26, 27 and 28, Applicants submit that no new matter has been added by the amendment to the specification. Thus, Applicants submit that Claims 27 and 28 are now proper under 35 U.S.C. §112, first paragraph.

The Examiner objected to claims 20 and 21 due to informalities reciting "both claims refer to "test", which should be changed to text. Applicants have made that correction.

The Examiner rejected Claims 1-3, 5, 6, 9-14, 17, 18, 25-28 under 35 U.S.C. §102 as being anticipated by Noda et al. The Examiner rejected Claims 4, 7, 15, 16, 19, 20, 21, 22 and 24 under 35 U.S.C. §103(a) as being unpatentable over Noda et al in view of Aarnio. The Examiner rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Noda et al in view of Reed. The Examiner rejected Claim 23 under 35 U.S.C. §103(a) as being unpatentable over Noda et al in view of Aarnio and further in view of Reed.

A review of the art shows Noda teaches taking a picture of a flower and entering simple characteristics of the flower from a predetermined list to include shape and color using the PDA; transferring the image and the characteristics to a server wherein the server extracts several characteristics of shape and color from the image of the flower wherein the sent characteristics and the extracted characteristics are then used to retrieve objective images of flowers using the characteristics of the flower stored with the image which are then displayed on a web page for observation by a user.

Aarnio teaches inputting a digital image to the mobile station, transmitting the digital image to a conversion server for converting the digital image to text data which is then forwarded to a location server, the location server using general location address and text data compares the information to geographical location information stored in a database and then the location information is transmitted back to the mobile station.

Neither teaches a user device for capturing a digital image and sending the image to a server to find a match with other images that are stored on the server by comparing the captured image with other images and where the server, when needed, uses the image to initiate a search for web pages on other computers that also contain similar images, the server then returning the URL of the most relevant web pages containing a matching image to the user device for review by the user.

Applicants submit that Claim 1 is patentably distinct over Noda et al, since the cited reference neither describes nor suggests "a camera to capture an image; a wireless communication device, coupled to the camera and to a wireless network, to communicate the image to a server with an existing database of images to find similar images located on the server by comparing the image with images in the database and to provide any similar images and associated hyperlink to the mobile device; and a processor, coupled to the wireless communication device, to process found database records related to similar images" as set forth in Claim 1.

Dependent Claim 4 adds a further patentably distinct feature of the invention reciting "wherein the second program of the plurality of programs stored on the storage medium further comprises a subprogram stored on the storage medium being operative to interact with the processor to communicate with at least one server database to cause said server database to search further databases for a similar image similar to the captured image".

Dependent Claim 7 adds the limitation "a fourth program of the plurality of programs stored on the storage medium being operative to interact with the processor to identify any keywords linked to each similar image; and a fifth program of the plurality of programs stored on the storage medium being operative to interact with the processor to initiate a further search using the keywords to find additional similar images" to claim a further patentably distinct feature of the invention.

Claims 2, 3, 5, 6 and 8 depend from and thus include the limitations of Claim 1. Thus, Applicants submit that Claims 2, 3, 5, 6 and 8 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 1.

Applicants submit that Claim 9 is distinct over Noda et al, since the cited reference neither describes nor suggests "a camera ...; a mobile communication device, coupled to the camera and to a wireless network, to communicate the image to a server with existing image files to find similar images by locating and comparing the captured image with other existing image files; and a user interface, coupled to the mobile communication device, to communicate to an user any results of found similar images; and a computer network including the wireless network and a wired network; a server, connected to the computer network, to store images of interest and to search for additional images of interest located on other computers connected to the network when an image of interest is not located on the server; and a plurality of computers, each computer have a plurality of computer files and connected to the computer network, at least one of the computer files having an image similar to the captured image and when viewed includes associated text describing an object in the image."

Claims 10 - 24 depend from and thus include the limitations of Claim 9. Thus, Applicants submit that Claims 1 - 24 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 9.

Applicants submit that Claim 25 is distinct over Noda et al, since the cited reference or the other references neither describes nor suggests "..., a second computer readable program code stored on the storage medium being operative to interact with the processor to communicate with a server with multiple image files and to search said image files for a similar image similar to the captured image by comparing the captured image with other images and to cause said server to provide to the handheld device a hyperlink to the similar image;"

Applicants submit that Claim 26 is distinct over Noda et al, since the cited reference or the other references neither describes nor suggests "providing a database of images, each image having an associated URL that includes said image and a description of the image; comparing an image of an unknown location with images from the database of images and providing a list of images and corresponding URL of possible matching images; and reviewing the images in the list of possible matching images until the correct location is identified."

Dependent Claim 27 adds a further patentably distinct feature of the invention reciting "wherein the comparing step includes comparing at least one of energy spectrum data, color histogram data, primitive filter data, and local invariant data".

Dependent Claim 28 adds the limitation "wherein the comparing step comprises at least one of the techniques including a least square matching technique, a normalizing the image technique, an eigen value technique, a matching histogram of image feature technique and an image matching engine with transformation technique" to claim a further patentably distinct feature of the invention.

Applicants have submitted herewith a Petition for an Extension of Time for three months

with authorization to charge Daly, Crowley, Mofford & Durkee, LLP Deposit Account No. 50-0845 to cover the costs of the petition. Authorization to charge Deposit Account No. 50-0845 for any excess fees due or credit any overpayment is hereby given.


The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Accordingly, re-examination and reconsideration are requested in view of the above amendment and remarks.

Respectfully submitted,

Dated: October 19, 2007

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: 

Donald F. Mofford

Reg. No. 33,740

Attorney for Applicant(s)

354A Turnpike Street - Suite 301A

Canton, MA 02021-2714

Tel.: (781) 401-9988, Ext. 113

Fax: (781) 401-9966

dfm@dc-m.com